

SECTION L
INSTRS., CONDS., AND NOTICES TO OFFERORS

1.0 Purpose. The purpose of this section is to provide guidance on the content and organization of the proposal. Each offeror is exhorted to be very diligent in the preparation of his proposal, meeting each of the stated requirements. The government anticipates awarding a contract after submission of initial offers without discussions (in accordance with the Contract Award Process outlined below). This solicitation will be conducted on a full and open competition basis under the Standard Industrial Classification (SIC) Code 8711.

2.0 Task Order Award. The Government intends to award the initial actual task order under this solicitation at contract award. The award of this task order will be based on the proposal made by the awardee on the initial actual task order.

3.0 Contract Award Process. A two-phased evaluation process will be utilized for source selection under this solicitation. Those respondents who are the highest rated offerors with a realistic chance for award in Phase I will be asked to demonstrate their approach for OE location/discrimination at FMC during Phase II. Listed below are key milestones for this acquisition.

- Approved acquisition plan
- CBD
- Issue RFP
- Preproposal conference
- Close RFP: All offerors shall submit Volume II , Price Proposals by the date specified in SF 33, Block 9; Offerors should submit Volume I and questionnaires by the date specified in SF 33, Block 9
- Oral Presentations/Interview and Volume I, close date is the time when the government declares the oral presentation/interview is complete
- Phase I evaluation
- Down-select to highest rated offerors
- Field demonstrations
- Government receives Volume III (Selected offerors only)
- Phase II evaluations
- Contract award

The schedule for award of this effort is aggressive. Maintaining that schedule will require the cooperation and commitment of both the offerors and the government.

A pre-proposal conference will be held at FMC (see paragraph L.10).

4.0 Proposal Format. Each offeror must (1) submit and make an oral presentation (Volume I); (2) submit past performance questionnaires; and (3) submit a price proposal, the cover sheet - SF 33, and the Representations, Certifications and Other Statements of Offerors - Section K (Volume II) for evaluation under Phase I. Those offerors selected for participation in

Phase II, must (1) demonstrate their technology on a field test grid at Fort McClellan, AL; (2) submit their Field Demonstration Data and Conclusions (Volume III). It is essential that all offerors refer to the DD Form 1423s and associated 1664s and Section J attachments to fully understand what is required and to properly respond to the Request for Proposal (RFP).

PHASE I

5.0 ORAL PRESENTATION/INTERVIEW AND PAST PERFORMANCE

5.1 Volume I Oral Presentation Documentation. Each offeror should submit seven paper copies and one digital copy of Volume I prior to 18 May 1999. Late submissions (submissions received after the oral presentation/interview) will be handled in accordance with Federal Acquisition Regulation (FAR)

52.215-1(c)(3), "Late Proposals and Revisions". All scoring will be based upon the oral presentation/interview and past performance.

5.1.1 Contents of Volume 1

- All slides to be presented in the oral presentation
- Team organization chart
- OE process flowchart
- Roles and responsibilities chart
- Key personnel resumes (for personnel listed in the USAESCH UXO Personnel Data Base provide only the name, UXO number, and proposed role; for all others include a resume)
- Letters of intent unconditionally committing subcontractors and key personnel to performance under this contract should it be awarded to the offeror. Note: A letter of intent for key personnel is not required for personnel that are employed by the offeror at the time of proposal submission.
- Qualifications and experience for labor categories not covered in OT-FMC-025 (Present only briefly during the oral presentation/interview major new labor categories)
- Past performance references matrix:

(1). The past performance matrix will identify no more than ten total projects of similar nature on which the offeror or a major subcontractor (a major subcontractor or team member is one that is proposed to perform 10% or more of this effort) performed substantial, critical effort within the past five years. The contracts may be past or current contracts with the Federal, State, or local government, or private companies. The POC's contained in this matrix are the customers who will provide past performance data which, in accordance with the discussion in Section M, will form a critical component of the past performance evaluation. Information included in the matrix for each project should include:

- (1) Contract number;
- (2) Program;
- (3) Performed as a prime or subcontractor;
- (4) Contract Type;
- (5) Date Awarded;
- (6) Awarded cost/price;
- (7) Final/projected cost/price;
- (8) Physical size of project (acreage);
- (9) Original delivery date;
- (10) Final/projected delivery date;
- (11) Government Contracting office/company, address and phone number;

- (12) Procuring Contracting Officer (PCO), address, phone, data fax number;
 - (13) Administrative Contracting Officer (ACO), address, phone, data fax number;
 - (14) Government Technical Representative/Contracting Officer's Representative (COR), address, phone, data fax number;
 - (15) Government Project Manager, address, phone, data fax number;
 - (16) Major Safety Incidents, Accidents, and Violations (see Section C, paragraph 5.1.2.1);
 - (17) Contract terminations, cure/show cause letters, or problems encountered and offerors corrective actions taken;
 - (18) Extent to which the offeror as a past contractor carried out the policies of FAR 52.219-8 and FAR 52.219-9 (See RFP Section I.20 and I.21) on prior contracts.
- (2). The offeror shall indicate POCs to which the Past Performance Questionnaire was sent by use of bold italic print in the matrix. If the offeror fails to provide a point of contact for any of the listed projects, the experience may not be considered.
- (3). The past performance references matrix may not exceed two 11"x14" pages.

5.2 Past Performance Questionnaire. Each offeror shall send the performance information/questionnaire form identified in Section J, Attachment C, to each past performance reference submitted in Volume I and have the reference return the completed form directly to:

U. S. Army Engineering and Support Center
ATTN: CEHNC-CT-S/Tadesse
P.O. Box 1600
Huntsville, Alabama 35807
Fax 256-895- 1378

Or Email to: Lydia.Tadesse@hnd01.usace.army.mil

The questionnaires should be received prior to the closing date and time in Block 9 of the Standard Form 33. The Government may contact the offeror's references to verify that the submitted information is correct and determine the customers' satisfaction with various aspects of the offeror's performance. Offerors should note that it may be in their best interest to co-ordinate with the references included in their past performance matrix to insure that past performance data is submitted to USAESCH in a timely manner.

Past performance information, as defined in FAR 42.1501, will be evaluated in accordance with FAR 15.305(a)(2). Information will be obtained from: 1) the questionnaires returned to the Government from the offeror's customers, 2) the references listed in the proposal, 3) other customers known to the Government, and 4) any other sources who may have useful and relevant information. Information regarding significant subcontractors will also be considered; however, the past performance for the prime offeror may carry more weight in the evaluation process. The past performance assessment will include a determination of the offeror's commitment to customer satisfaction and will include conclusions resulting from informed judgment. If discussions are held, offerors will be given an opportunity to address unfavorable reports of past performance. If an offeror lacks relevant past performance history in its own right, the offeror should present relevant past performance

information regarding predecessor companies, key personnel, or major subcontractors that will perform greater than 10% of the work effort. Absent any of the above information, the offeror will not be evaluated favorably or unfavorably for past performance.

Subcontractor experience/credentials will be evaluated as part of the proposal if the subcontractors are identified and if the proposal includes a written commitment from each subcontractor to undertake performance under any resultant contract.

Each offeror will be evaluated on his/her performance under existing and prior contracts for similar services. Performance information will be used for both responsibility determination and as an evaluation factor against which offeror's relative ranking will be compared to assure best value to the Government. The Government will focus on information that demonstrates quality of performance relative to size and complexity of the procurement under consideration. The past performance information Form identified in section J, Attachment C, will be used to collect this information, along with data obtained by calling references and other data available on past performance. It should be noted that risk considerations are relevant to all elements of the oral presentation/interview and the past performance assessment.

5.3 Oral Presentation/Interview. The main purpose of the oral presentation/interview is to test the offeror's knowledge of the requirements of the prospective contract, to allow the offeror to demonstrate his capabilities to perform the scope of work (Section C) requirements, and to present his approach to the initial actual task included in the solicitation.

1) Schedule for Presentations. After receipt of Volume 1 and Volume 2 (from the offeror), and the past performance questionnaire (from previous customers) each offeror is required to make an oral presentation and undergo a question/answer session with the source selection evaluation board in Huntsville, AL. The oral presentation/interview is scored in accordance with the plan discussed in Section M. Within two days after receipt of proposals the contracting officer will schedule dates and times by lot. The first oral presentation will occur approximately seven calendar days after close of the RFP. The Government reserves the right to reschedule any offeror's oral presentation.

2) Form of Presentations. Offerors must make their oral presentation/interview in person to the source selection evaluation board. Submission of videotapes or other forms of media containing the presentation for evaluation, in lieu of the oral presentation/interview, will not be authorized and such proposals will be rejected. Offerors will utilize PowerPoint 97, or compatible, for presentation purposes and should use a font size of 18 or larger. The oral presentation/interview shall not have a page limit; however, only those slides presented will be considered for evaluation. No other material will be evaluated. The Government will provide a projection screen only. Offerors will not be allowed to append the slides after the oral presentation/interview.

3) Offeror's Presentation Team. It is strongly recommended that offerors limit the number of representatives at the oral presentation/interview to a total of five personnel. It is

recommended that the offeror have only key personnel who will perform or direct the work of this contract present at the oral presentation/interview.

4) Time Allowed for Presentations. Each offeror will be allotted one and one half (1.5) hours to make his/her oral presentation. After the oral presentation, each offeror must answer questions from the board for a period of time not to exceed one hour. The questions will prove the offeror's understanding of the solicitation and will also enable the Government to fully understand the proposal. The questions will further allow the Government to determine that the offeror understands the technical/management uncertainties, challenges and risks associated with the contract. Discussions as defined in FAR 15.306(d) will not be conducted.

5) Documentation. The Government reserves the right to videotape the oral presentation/interview solely for its use and records. The offeror may not audio or videotape his/her own presentation. The Government will not accept for evaluation any additional documentation, such as, procedural manuals, handbooks or guides, etc., which may or may not have been referenced during the presentation.

6) Conditions. The following conditions apply: (1) The content of the oral presentation and interview answers will be part of the offer and will augment the written proposal information. If the Government determines that the information from the oral presentation/interview will be included in the contract, the contractor will be required to submit the information in writing, per FAR 15.102(f). (2) The offeror may not discuss information about the oral presentation/interview except to persons within his/her organization with a need to know; nor can the offerors reveal the content of the questions and answers to potential competitors. Such release could disqualify the offeror, subcontractor, competitor, and the recipient of the information. Under no circumstances should pricing information be conveyed or considered during the oral presentation/interview. As provided in FAR 52.215-1(f)(4), the Contracting Officer intends to make award without discussions. However, if discussions are needed regarding the oral proposal, they will occur before the conclusion of Phase I and will occur telephonically and any slides submitted will be by facsimile. There will be no additional opportunity for in person oral proposals.

7) Content. The oral presentation will include the following sections: 1) Technical Capabilities/Approach and Safety, 2) Organization/Management Capabilities and Support, and 3) Past performance. The order of presentation is at the discretion of the offeror. There is no limitation on the number of slides; however, offerors are cautioned that the basis for scoring is the oral presentation/interview: slides not covered, or included by reference will not be scored; slides inadequately discussed may reflect poorly on the offeror. A more detailed description of the anticipated content of each of the three sections follows. Section 1) Technical Capabilities/Approach and Safety: The technical discussion should demonstrate expertise in the entire gamut of activities required for the cleanup of FMC as identified in the Section C SOW. Expertise with a broad range of tools and approaches should be demonstrated, the process for selecting specific tools/approaches for a given site described, and the

specific technical tools/approach proposed for the initial actual task order presented. Discussion in the technical area should highlight the means, and support the management goal of better, cheaper, faster. Technologies/approaches proposed must be mature enough for application in a field production environment. Areas discussed should include:

- Safety
- Expertise in multiple technologies/approaches for each critical OE process element
- Comprehensive understanding of OE cleanup process and ability to technically integrate effort across a process and program, including digital data transfer and fusion
- Proposed innovations (potential for improvement and widespread application at FMC) and technical ability/experience for innovation and continuous improvement including the use of value engineering

-QA/QC (especially relating to proposed innovations)

Section 2) Organization/Management Capabilities and Support: This discussion will identify and detail the organization management approach the offeror plans to utilize to meet the requirements of the contract SOW in Section C, and specifically detail the approach proposed for the initial actual task. The overall management goal is better, cheaper, faster. Areas discussed should include:

- Team composition
- How they interface and interact
- Roles and responsibilities, including amount of planned usage for each
- Capacity
- Key personnel, roles, responsibilities and resumes
- Integration and planning
- Cost/schedule/risk assessment, reporting and controls
- Management for innovation and continuous improvement
- Small business/Historically Black Colleges and Universities/Minority Institutions commitment
- Performance metrics and incentives (The relevance and attainability of the metrics and incentives that are contained in the Section C SOW and the initial actual task order, and any additional specific performance metrics or incentives recommended by the offeror)

Section 3) Past Performance: This section should demonstrate knowledge, experience and ability in OE, and the ability to work with innovative technologies/approaches and transition them to field production use. Consistent with the factors cited in FAR 42.1501, areas of interest include:

- Safety
- Quality of work
- Customer satisfaction
- Cost performance
- Terminated Contracts, Cure/Show Cause Letters, problems encountered, and offerors corrective actions taken
- Schedule performance
- Innovation/continuous improvement

6.0 VOLUME II - PRICE PROPOSAL

As stated in Section B, the offeror shall propose on the initial actual task order in Section J, Attachment D for the time-and materials CLINs associated with the T&M tasks and for the fixed

price CLINs associated with the fixed price tasks. All labor categories proposed must be priced. The offeror may propose modifications, additions or deletions to the CLINs (found in the Schedule of Section B) as necessary to perform the work required under this solicitation. Changes to the CLINs shall be identified and justified as part of the price proposal in Volume II.

As stated in Section M, the contracting officer will consider price realism in the evaluation of the fixed price and Time and Materials approaches. The purpose of this analysis is to determine the offeror's understanding of the work as part of the Government's risk analysis of the proposal. The Government will examine in depth those prices that appear to be excessively low when compared to the Government Estimate and other price evaluation techniques. Accordingly, as part of their price proposals, offerors will submit the following schedule pricing information (which is not cost or pricing data under FAR 15.403-3): a breakdown of the direct and indirect costs pertaining to each labor category CLIN, including labor, overhead, General and Administrative Costs, and Profit; and a brief explanation of the pricing constituting all other CLINs. Additionally, in pricing the task order, the offeror will disclose the basis for all estimates, including direct labor hours and materials.

The agency may contact the offerors about their price estimates, but such requests for explanation will constitute only clarifications or communications under FAR 15.306. The technical ratings may be adjusted based on the realism of the proposed prices, but the prices will not be adjusted.

PHASE II

7.0 Technical Demonstration. After completion of all the oral presentations/interviews, the Government will complete the Phase I evaluations. The highest rated offerors who have a realistic chance of award will be contacted and scheduled for the field demonstration phase, which will take place at FMC. The field demonstration project will be conducted at no cost to the government.

7.1 Field Demonstration. The main purpose of the field demonstration is to evaluate fielded performance of the offeror's approach proposed during his oral presentation/interview to assist the Government in determining the best value offer.

1) Schedule. Within two calendar days after down select, the Contracting Officer will schedule test demonstrations by assigning dates and times. The order of demonstration will be determined by drawing lots with the first occurring within approximately ten calendar days. The Government reserves the right to reschedule any offeror's field demonstration.

2) Demonstration Team. It is strongly recommended that offerors limit the number of representatives on the test grid at any given time to a total of six. It is also recommended that the offeror have key personnel who will perform or direct the work of this contract conduct the field demonstration.

3) Time Allowed for Demonstrations and Data Evaluation. Each offeror will be allowed access to the test grid (approximately 1.5 acres) for two 10-hour days to collect data during the demonstration. In addition, a 50'x50' practice grid (seeded with known items to allow each contractor to fine tune

equipment) will be available to the offeror the day prior to the demonstration. The government cannot guarantee each offeror will have the same weather or soil conditions. However, the on-site USAESCH representative will terminate the test if unsafe conditions arise; the test will then be rescheduled. No extensions will be given due to any unavailability of offeror's key personnel or equipment malfunction/availability. After completion of the field demonstration, each contractor will have seven (7) calendar days to submit Volume III - Field Demonstration Data and Conclusions to the Government for evaluation. The Government will provide a digital copy of the Government collected geophysical data for the practice grid and a listing of the locations and items seeded in the practice grid to each offeror selected to participate in Phase II at the time of notification of selection for Phase II.

4) Documentation. The Government will have oversight personnel on site during the test demonstrations. The representative(s) will verify that contractors perform their tests safely and within the constraints specified for the demonstrations. The representative will note pertinent information regarding the offeror's performance and conduct during the demonstration for evaluation purposes.

5) Site Safety and Health. USAESCH will provide a Site Safety and Health Plan for the field demonstrations. A USAECH Safety Specialist will perform a daily safety briefing for the participants of the field demonstrations. Each member of the offeror's team will be required to sign a statement to the effect they have received a daily safety briefing before entering the test grid location. The test grid is located within an impact area and movement in and around the test grid will be restricted to areas pre-defined by the USAECSH Safety Specialist.

6) Conditions. Offerors or their agents who visit the test grid or practice grid without Contracting Officer approval will be disqualified from the competition. Technology(ies) demonstrated must be that proposed during the oral presentation/interview. The offeror shall be disqualified if he uses a technology(ies) materially different from that proposed. Each contractor may use one or multiple technologies during the test demonstration; however, the offeror is limited to two, 10-hour days on the test grid. Offeror team members may not discuss information about the test demonstration to potential competitors team members. Release of such information may disqualify both the offeror and the competitor.

Note: 1) No flags, strings or anything may be left on the practice grid or test grid. The grids must be left as found.

2) No intentional disturbance or change in the grids is permitted.

3) No intrusive activities are allowed.

Seven calendar days after completion of the field demonstration each offeror shall submit to the Government Volume III - Field Demonstration Data and Conclusions.

7.2 Field Demonstration Data and Conclusions - Volume III. Each offeror shall submit 7 paper copies and one Digital copy of Volume III. Volume III should contain a concise description of the field demonstration, including location, date, time, weather conditions, soil conditions, data gathering procedure(s), equipment used (if more than one technology is used record the

specific time on the grid for each technology), calibration time and frequency, data gathering time, completeness, other pertinent information. In addition, a description of the methodology and analytic tools used to develop the dig list, and overall conclusions should be included. Contents of Volume III are:

- Concise narrative description
- Raw data (sensor output) for each sensor demonstrated
- Description of the methodology used and the analytic tools employed to process sensor data
- Final processed data file for each sensor in native formats as analyzed and XYZ ASCII files in state grid plane coordinates
- Data presentation for each technology, including color data representations
- Criteria used to determine an anomaly is OE for each technology demonstrated
- Prioritized dig list for each technology demonstrated, if generated, to include anomaly posting into a coincident Microstation 95 CADD file with anomalies numbered
- Tool(s) selected for initial actual task
- Projected effectiveness of your selected tool(s) (surface, <1 foot, 1 to 2 feet, 2 to 3 feet, 3 to 4 feet, 4 to 5 feet, greater than 5 feet
- Final prioritized dig list
- Conclusions

NOTE: Reacquisition of anomalies will be performed by the Government using a Level I Civil Survey by a registered Land Surveyor. After completion of all the field demonstrations and submittal of Volume III, the Government will complete the evaluation in accordance with the discussion in Section M and intends to award one contract.

NOTE: Only one field demonstration project will be conducted per offeror. No discussions will occur, in the sense of FAR 15.306 (d), with any offerors about their performance, either during or after the project. The government reserves the right to re-evaluate the Phase I results, either upwards or downwards, based on the Phase II performance, if there are material inconsistencies.

1 52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at these addresses:

<http://www.arnet.gov/far>
<http://farsite.hill.af.mil>
<http://www.dtic.mil/dfars>

(End of provision)

2 52.222-45 RESERVED
(Reference)

3 52.215-1 INSTRUCTIONS TO OFFERORS--COMPETITIVE ACQUISITION (OCT 1997)

(a) Definitions. As used in this provision--

"Discussions" are negotiations that occur after establishment of the competitive range that may, at the Contracting Officer's discretion, result in the offeror being allowed to revise its proposal.

"In writing" or "written" means any worded or numbered expression which can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

"Proposal modification" is a change made to a proposal before the solicitation's closing date and time, or made in response to an amendment, or made to correct a mistake at any time before award.

"Proposal revision" is a change to a proposal made after the solicitation closing date, at the request of or as allowed by a Contracting Officer as the result of negotiations.

"Time," if stated as a number of days, is calculated using calendar days, unless otherwise specified, and will include Saturdays, Sundays, and legal holidays. However, if the last day falls on a Saturday, Sunday, or legal holiday, then the period shall include the next working day.

(b) Amendments to solicitations. If this solicitation is amended, all terms and conditions that are not amended remain unchanged. Offerors shall acknowledge receipt of any amendment to this solicitation by the date and time specified in the amendment(s).

(c) Submission, modification, revision, and withdrawal of proposals.

(1) Unless other methods (e.g., electronic commerce or facsimile) are permitted in the solicitation, proposals and modifications to proposals shall be submitted in paper media in sealed envelopes or packages (i) addressed to the office specified in the solicitation, and (ii) showing the time and date specified for receipt, the solicitation number, and the name and address of the offeror. Offerors using commercial carriers should ensure that the proposal is marked on the outermost wrapper with the information in paragraphs (c)(1)(i) and (c)(1)(ii) of this provision.

(2) The first page of the proposal must show--

(i) The solicitation number;

(ii) The name, address, and telephone and facsimile numbers of the offeror (and electronic address if available);

(iii) A statement specifying the extent of agreement with all terms, conditions, and provisions included in the solicitation and agreement to furnish any or all items upon which prices are offered at the price set opposite each item;

(iv) Names, titles, and telephone and facsimile numbers (and electronic addresses if available) of persons authorized to negotiate on the offeror's behalf with the Government in connection with this solicitation; and

(v) Name, title, and signature of person authorized to sign the proposal. Proposals signed by an agent shall be accompanied by evidence of that agent's authority, unless that evidence has been previously furnished to the issuing office.

(3) Late proposals and revisions.

(i) Any proposal received at the office designated in the solicitation after the exact time specified for receipt of offers will

not be considered unless it is received before award is made and--

(A) It was sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th);

(B) It was sent by mail (or telegram or facsimile, if authorized) or hand-carried (including delivery by a commercial carrier) if it is determined by the Government that the late receipt was due primarily to Government mishandling after receipt at the Government installation;

(C) It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and U.S. Federal holidays;

(D) It was transmitted through an electronic commerce method authorized by the solicitation and was received at the initial point of entry to the Government infrastructure not later than 5:00 p.m. one working day prior to the date specified for receipt of proposals; or

(E) There is acceptable evidence to establish that it was received at the activity designated for receipt of offers and was under the Government's control prior to the time set for receipt of offers, and the Contracting Officer determines that accepting the late offer would not unduly delay the procurement; or

(F) It is the only proposal received.

(ii) Any modification or revision of a proposal or response to request for information, including any final proposal revision, is subject to the same conditions as in subparagraphs (c)(3)(i)(A) through (c)(3)(i)(E) of this provision.

(iii) The only acceptable evidence to establish the date of mailing of a late proposal or modification or revision sent either by registered or certified mail is the U.S. or Canadian Postal Service postmark both on the envelope or wrapper and on the original receipt from the U.S. or Canadian Postal Service. Both postmarks must show a legible date or the proposal, response to a request for information, or modification or revision shall be processed as if mailed late.

"Postmark" means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. or Canadian Postal Service on the date of mailing. Therefore, offerors or respondents should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(iv) Acceptable evidence to establish the time of receipt at the Government installation includes the time/date stamp of that installation on the proposal wrapper, other documentary evidence of receipt maintained by the installation, or oral testimony or statements of Government personnel.

(v) The only acceptable evidence to establish the date of mailing of a late offer, modification or revision, or withdrawal sent by Express Mail Next Day Service-Post Office to Addressee is the date entered by the post office receiving clerk on the "Express Mail Next Day Service-Post Office to Addressee" label and the postmark on both the envelope or wrapper and on the original receipt from the U.S. Postal Service. "Postmark" has the same meaning as defined in paragraph

(c)(3)(iii) of this provision, excluding postmarks of the Canadian Postal Service. Therefore, offerors or respondents should request the postal clerk to place a legible hand cancellation bull's eye postmark on both the receipt and the envelope or wrapper.

(vi) Notwithstanding paragraph (c)(3)(i) of this provision, a late modification or revision of an otherwise successful proposal that makes its terms more favorable to the Government will be considered at any time it is received and may be accepted.

(vii) Proposals may be withdrawn by written notice or telegram (including mailgram) received at any time before award. If the solicitation authorizes facsimile proposals, proposals may be withdrawn via facsimile received at any time before award, subject to the conditions specified in the provision entitled "Facsimile Proposals." Proposals may be withdrawn in person by an offeror or an authorized representative, if the representative's identity is made known and the representative signs a receipt for the proposal before award.

(viii) If an emergency or unanticipated event interrupts normal Government processes so that proposals cannot be received at the office designated for receipt of proposals by the exact time specified in the solicitation, and urgent Government requirements preclude amendment of the solicitation or other notice of an extension of the closing date, the time specified for receipt of proposals will be deemed to be extended to the same time of day specified in the solicitation on the first work day on which normal Government processes resume. If no time is specified in the solicitation, the time for receipt is 4:30 p.m., local time, for the designated Government office.

(4) Unless otherwise specified in the solicitation, the offeror may propose to provide any item or combination of items.

(5) Proposals submitted in response to this solicitation shall be in English and in U.S. dollars, unless otherwise permitted by the solicitation.

(6) Offerors may submit modifications to their proposals at any time before the solicitation closing date and time, and may submit modifications in response to an amendment, or to correct a mistake at any time before award.

(7) Offerors may submit revised proposals only if requested or allowed by the Contracting Officer.

(8) Proposals may be withdrawn at any time before award. Withdrawals are effective upon receipt of notice by the Contracting Officer.

(d) Offer expiration date. Proposals in response to this solicitation will be valid for the number of days specified on the solicitation cover sheet (unless a different period is proposed by the offeror).

(e) Restriction on disclosure and use of data. Offerors that include in their proposals data that they do not want disclosed to the public for any purpose, or used by the Government except for evaluation purposes, shall--

(1) Mark the title page with the following legend: This proposal includes data that shall not be disclosed outside the Government and shall not be duplicated, used, or disclosed--in whole or in part--for any purpose other than to evaluate this proposal. If, however, a contract is awarded to this offeror as a result of--or in connection with--the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the resulting contract. This restriction does not limit the Government's right to use information contained in this data if it is obtained from another source without restriction. The data subject to this restriction are contained in sheets (insert numbers or other identification of sheets); and

(2) Mark each sheet of data it wishes to restrict with the following legend: Use or disclosure of data contained on this sheet is subject to the restriction on the title page of this proposal.

(f) Contract award.

(1) The Government intends to award a contract or contracts resulting from this solicitation to the responsible offeror(s) whose proposal(s) represents the best value after evaluation in accordance with the factors and subfactors in the solicitation.

(2) The Government may reject any or all proposals if such action is in the Government's interest.

(3) The Government may waive informalities and minor irregularities in proposals received.

(4) The Government intends to evaluate proposals and award a contract without discussions with offerors (except clarifications as described in FAR 15.306(a)). Therefore, the offeror's initial proposal should contain the offeror's best terms from a cost or price and technical standpoint. The Government reserves the right to conduct discussions if the Contracting Officer later determines them to be necessary. If the Contracting Officer determines that the number of proposals that would otherwise be in the competitive range exceeds the number at which an efficient competition can be conducted, the Contracting Officer may limit the number of proposals in the competitive range to the greatest number that will permit an efficient competition among the most highly rated proposals.

(5) The Government reserves the right to make an award on any item for a quantity less than the quantity offered, at the unit cost or prices offered, unless the offeror specifies otherwise in the proposal.

(6) The Government reserves the right to make multiple awards if, after considering the additional administrative costs, it is in the Government's best interest to do so.

(7) Exchanges with offerors after receipt of a proposal do not constitute a rejection or counteroffer by the Government.

(8) The Government may determine that a proposal is unacceptable if the prices proposed are materially unbalanced between line items or subline items. Unbalanced pricing exists when, despite an acceptable total evaluated price, the price of one or more contract line items is significantly overstated or understated as indicated by the application of cost or price analysis techniques. A proposal may be rejected if the Contracting Officer determines that the lack of balance poses an unacceptable risk to the Government.

(9) If a cost realism analysis is performed, cost realism may be considered by the source selection authority in evaluating performance or schedule risk.

(10) A written award or acceptance of proposal mailed or otherwise furnished to the successful offeror within the time specified in the proposal shall result in a binding contract without further action by either party.

(11) The Government may disclose the following information in postaward debriefings to other offerors:

(i) The overall evaluated cost or price and technical rating of the successful offeror;

(ii) The overall ranking of all offerors, when any ranking was developed by the agency during source selection;

(iii) A summary of the rationale for award; and

(iv) For acquisitions of commercial items, the make and model of the item to be delivered by the successful offeror.

(End of provision)

4 52.216-1 TYPE OF CONTRACT (APR 1984)

The Government contemplates award of a Indefinite Delivery-Indefinite Quantity (IDIQ) contract resulting from this solicitation.

(End of provision)

5 52.222-24 PREAWARD ON-SITE EQUAL OPPORTUNITY COMPLIANCE EVALUATION (FEB 1999)

If a contract in the amount of \$10 million or more will result from this solicitation, the prospective Contractor and its known first-tier subcontractors with anticipated subcontracts of \$10 million or more shall be subject to a preaward compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Contractor and subcontractors to be in compliance with Executive Order 11246.

(End of provision)

6 52.215-4001 HANDCARRIED PROPOSALS

a. Proposals handcarried earlier than 30 minutes prior to closing will be deposited by calling from the phone located on the guard desk in the lobby of the U.S. Army Engineering and Support Center, Huntsville Building to the number listed in Part I, Section A, Standard Form 33, Block 10. A proposal custodian will come to the lobby to receive the proposal.

b. Handcarried proposals arriving less than 30 minutes prior to closing will be deposited with the U.S. Army Corps of Engineers officials in the lobby of the U.S. Army Engineering and Support Center, Huntsville building, 4820 University Square, Huntsville, AL 35816-1822. It is the responsibility of the offeror (or agent) delivering the handcarried proposal to ask the officials if they represent the contracting officer for the Corps of Engineers and have authority to received proposals .

c. Guards are NOT authorized to accept proposals on behalf of the contracting officer, and the offeror (or his agent) who gives a guard or other unauthorized person a proposal does so at the offeror's peril.

7 52.215-4004 INQUIRIES

Written inquiries concerning technical or administrative aspects of this solicitation should be addressed to:

Division Engineer
US Army Engineering &
Support Center, Huntsville
ATTN: CEHNC-CT-E /TADESSE
PO Box 1600
Huntsville, AL 35807-4301

Telephone inquiries should be made to LYDIA TADESSE Area Code 205-895-1169. Collect telephone calls will not be accepted.

8

52.222-4004 LABOR INFORMATION

General information regarding the requirements of the Walsh- Healey Public Contracts Act (41 U.S.C. 35-45), the Contract Work Hours Standards Act (40 U.S.C. 327-330), and the Service Contract Act of 1965 (41 U.S.C. 351-357) may be obtained from the Department of Labor, Washington, D.C. 20210, or from any regional office of that agency. Requests for information should include a solicitation number, the name and address of the issuing agency, and a description of the supplies and services.

9

52.233-4004 SERVICE OF PROTEST (NOV 1988)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO) shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from
US Army Engineering & Support Center, Huntsville
PO Box 1600
Huntsville, AL 35807-4301

(b) The copy of any protest shall be received in the office designated above on the same day a protest is filed with the GSBICA or within one day of filing a protest with the GAO.

(End of provision)

10

52.242-4152 PREPROPOSAL CONFERENCE AND SITE VISIT

a. A preproposal conference in connection with the Request for Proposals (RFP) will be held at 0900 hours April 15, 1999 at Fort McClellan, Alabama.. Technical and Administrative personnel will be on hand to discuss the requirement. In order to expedite the conference, prospective offerors are requested to submit written questions to the contracting officer not later than April 13, 1999, specifying the section and paragraph of the RFP for which clarification is desired. However, questions which cannot be submitted in time to reach the contracting officer on or before April 13, 1999, may be submitted at the conference. ALL QUESTIONS MUST BE SUBMITTED IN WRITING. Prospective offerors are strongly encouraged to submit follow- on questions as soon as possible after the conclusion of the conference. A summary of the conference proceedings, including questions and answers, will be posted on the USAESCH home page at <http://www.hnd.usace.army.mil>.

b. Offerors who plan to have representatives at this conference are requested to furnish the names and titles of their representatives to April 13, 1999 prior to the date of the conference.

c. Potential offerors are not limited on the number of representatives to attend the preproposal conference. However, potential offerors may only send up to 2 representatives

to the site visit.

(END OF CLAUSE)

END OF SECTION L